

CCRB INVESTIGATIVE RECOMMENDATION

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|---|--------------------------------------|-------------------------------------|---|------------------------------------|---------------------------------|
| Investigator: Carter Garfield | Team: Squad #10 | CCRB Case #: 201905892 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 07/06/2019 11:10 PM | Location of Incident: Coffey Park | Precinct: 76 | 18 Mo. SOL 1/6/2021 | EO SOL 8/23/2021 | |
| Date/Time CV Reported Sun, 07/07/2019 2:34 PM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Sun, 07/07/2019 2:34 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
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| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POF Lauren Maragni | 14565 | 956879 | 076 PCT |
| 2. POM Lawrence Pitta | 14853 | 962697 | 076 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. SGT Jesse Ankele | 04673 | 927867 | 076 PCT |
| 2. POF Krystal Class | 14630 | 955825 | 076 PCT |
| 3. POM Vegnel Jovin | 02695 | 960737 | 076 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.POF Lauren Maragni | Abuse: Police Officer Lauren Maragni stopped § 87(2)(b) | |
| B.POF Lauren Maragni | Abuse: Police Officer Lauren Maragni questioned § 87(2)(b) | |
| C.POF Lauren Maragni | Abuse: Police Officer Lauren Maragni questioned § 87(2)(b) | |
| D.POF Lauren Maragni | Abuse: Police Officer Lauren Maragni questioned § 87(2)(b) | |
| E.POF Lauren Maragni | Abuse: Police Officer Lauren Maragni threatened to arrest § 87(2)(b) | |
| F.POM Lawrence Pitta | Abuse: Police Officer Lawrence Pitta threatened to arrest § 87(2)(b) | |
| G.POF Lauren Maragni | Abuse: Police Officer Lauren Maragni failed to provide § 87(2)(b) with a business card. | |
| § 87(4-b), § 87(2)(g) | | |

Case Summary

On July 7, 2019, § 87(2)(b) filed this complaint on behalf of himself and his friends § 87(2)(b) and § 87(2)(b) with the CCRB online. This case was reassigned from Inv. Kelly Lyon to Inv. Carter Garfield on February 5, 2020.

On July 6, 2019, at approximately 11:10 p.m., at Coffey Park in Brooklyn, § 87(2)(b) and § 87(2)(b) were cleaning up the remains of a barbeque when PO Lauren Maragni, Sgt. Jesse Ankele, and PO Lawrence Pitta, all of the 76th Precinct, drove into the park and approached them. A second police vehicle pulled into the park and PO Class and PO Jovin, who had briefly interacted with § 87(2)(b) and his friends earlier, also approached.

PO Maragni asked § 87(2)(b) for ID because she allegedly saw him drinking beer (**Allegation A – Abuse of Authority: Stop**, § 87(2)(g) § 87(2)(b) also alleged that PO Maragni asked § 87(2)(b) and § 87(2)(b) for ID (**Allegations B, C, D – Abuse of Authority: Question**, § 87(2)(g) PO Maragni asked § 87(2)(b) for his ID several times, and allegedly threatened to bring him to the stationhouse if he did not provide it (**Allegation E – Abuse of Authority: Threat of arrest**, § 87(2)(g) PO Pitta also told § 87(2)(b) he would be taken to the stationhouse if he did not provide ID (**Allegation F – Abuse of Authority: Threat of arrest**, § 87(2)(g) § 87(2)(b) initially refused, but eventually gave PO Maragni his ID along with a PBA card that belonged to his cousin.

PO Maragni spoke with § 87(2)(b)'s cousin on the phone, returned the card and ID to § 87(2)(b) and told him he was free to go. PO Maragni left the area without providing § 87(2)(b) a business card (**Allegation G – Abuse of Authority: Failure to provide RTKA card**, § 87(2)(g) § 87(4-b) § 87(2)(g)

No summons was issued. There is body camera footage from PO Maragni, PO Pitta, Sgt. Ankele, PO Class and PO Jovin (**BRs 01-06**). Relevant videos will be discussed below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Lauren Maragni stopped § 87(2)(b)

§ 87(2)(b) hosted a barbeque in Coffey Park on July 6, 2019, that around 15 people attended. His intake, phone, and verified statements consistently stated that he and his friends were not drinking any alcohol, but that other people had been drinking at the barbeque earlier and had left some beer bottles which were unopened (**BRs 07, 08, 09**). § 87(2)(b) provided a phone statement that was consistent with § 87(2)(b) as well as § 87(2)(b) who provided both a phone and written verified statement. (**BRs 10, 11, 12**). The investigation was unable to obtain a statement from § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) consistently stated that about five minutes before the subject officers arrived, two other officers, identified as PO Class and PO Jovin of the 76th Precinct, approached them and told them to leave because the park was closed. When PO Maragni, PO Pitta, and Sgt. Ankele arrived, § 87(2)(b) and his friends were packing their belongings. During PO Maragni's interaction with § 87(2)(b) PO Class and PO Jovin returned to the area. § 87(2)(b) and § 87(2)(b) consistently stated that PO Maragni approached and asked § 87(2)(b) for ID because she saw § 87(2)(b) drinking beer. The three also consistently stated that none of them had been drinking (**BRs 07 - 12**).

PO Maragni's said (**BR 13**), she saw § 87(2)(b) drink from a Corona beer bottle when she was driving by Coffey Park with Sgt. Ankele and PO Pitta. PO Maragni then stated that they entered the park and approached § 87(2)(b) and his friends where she immediately asked § 87(2)(b) for ID due to drinking beer. PO Maragni further stated that the park entrance had signs that explained that not only was drinking prohibited but that the park closed at 10 p.m. PO Maragni also

stated that § 87(2)(b) was the only one stopped during the incident. She further stated that although § 87(2)(b) was the only individual stopped, everyone could have been stopped for being in the park after hours.

Sgt. Ankele, PO Jovin, PO Pitta, and PO Class's statements (**BRs 14, 15, 16, 17**) were consistent with PO Maragni's with the following exceptions. PO Class stated that she saw a bottle of beer on the table "with a few sips" taken from it, and PO Maragni was the only officer that saw § 87(2)(b) drink any beer.

In PO Maragni's body camera footage (**BR 01**), at the 00:30 second mark, § 87(2)(b) is seen holding two to four unopened Corona beer bottles. He and his friends appear to be packing up their belongings when PO Maragni approaches. There are approximately four to six Corona bottles on the picnic table next to § 87(2)(b) and his friends. PO Maragni walks directly to § 87(2)(b) and says that she saw him drinking beer and asks for his ID. PO Pitta, Sgt. Ankele, PO Class, and PO Jovin also all approach § 87(2)(b) and his friends but do not ask anyone for ID.

None of the body camera footage from any of the officers show a sign that states Coffey Park was closed at 10 p.m. (**BRs 01 – 05**).

On the NYC Parks official website, General Provisions 1-03 under "hours of operation" states that "Persons may enter and use the parks from 6:00 a.m. until 1:00 a.m. unless other open hours are posted at any park" (**BR 18**).

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Lauren Maragni questioned § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Lauren Maragni questioned § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Lauren Maragni questioned § 87(2)(b)

In all three of his statements (**BR 07, 08, 09**), § 87(2)(b) alleged that PO Maragni requested IDs from him and all three of his friends.

While § 87(2)(b)'s phone statement (**BR 10**) was consistent with § 87(2)(b), § 87(2)(b) stated during his phone statement that he felt § 87(2)(b) was the only individual PO Maragni requested identification from (**BR 11**).

PO Maragni said in her statement that she only requested identification from § 87(2)(b) (**BR 13**). All officers on scene consistently stated that § 87(2)(b) was the only individual whose ID was requested as he was the only one stopped (**BR 13 - 17**).

On PO Maragni's body-worn camera, at no point is she heard requesting identification from anyone other than § 87(2)(b) (**BR 01**).

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Lauren Maragni threatened to arrest

§ 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Lawrence Pitta threatened to arrest

§ 87(2)(b)

In his verified statement, § 87(2)(b) said that PO Maragni threatened to “take him in” if he did not provide ID (**BR 09**).

In his verified statement, § 87(2)(b) stated that at one point § 87(2)(b) said, “I gave you my ID you don’t have to be a dick about it” to PO Pitta who responded, “if you call me a dick again, I’ll lock you up” (**BR 12**).

PO Maragni stated that she did not threaten to arrest § 87(2)(b) for not providing ID, but that she did say “This is the last time I’m going to ask for your ID” (**BR 13**).

PO Maragni’s body-worn camera confirms that she did not say or threaten to “take in” § 87(2)(b) but at the 1:37 minute mark she is heard saying “This is the last time I’m going to ask for your ID” (**BR 01**). A review of PO Pitta’s body camera footage found that, at the 1:30 minute mark, PO Pitta said to § 87(2)(b) that they would “Have to take you back to the precinct” if § 87(2)(b) did not comply with providing his ID (**BR 02**). Both of these statements occurred while § 87(2)(b) was refusing PO Maragni’s commands to provide her with his ID. PO Maragni had already stated to § 87(2)(b) that she saw him drinking beer.

During his statement, PO Pitta said that he said to § 87(2)(b) that he would be “taken in” if he refused to provide ID. PO Pitta further stated that at that point, § 87(2)(b) was stopped to be issued a summons and if he had not provided ID it was protocol for officers to take him to the precinct to identify him (**BR 16**).

§ 87(2)(g)

People v. Powell, 101 A.D.3d 756 (2012) states that officers are entitled to rely on information received from a fellow officer, as this information is presumed to be reliable and accurate (**BR 24**).

§ 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Lauren Maragni failed to provide § 87(2)(b) with a business card.

The following allegation is pleaded against PO Maragni, who initiated the stop. It is undisputed that PO Maragni did not provide a business card to § 87(2)(b)

Neither § 87(2)(b) nor § 87(2)(b) requested a business card from any officer on the day of the incident.

While PO Maragni was on the phone with § 87(2)(b)'s cousin during the incident, she stated she heard a gunshot from the other side of the park (**BR 13**). There is "shots fired" written in PO Maragni's memo book at 23:18 on the day of the incident (**BR 19**). PO Maragni further stated that she did not provide a business card because she "rushed" to investigate the shots fired on the other side of the park.

§ 87(2)(b) stated that during the incident, he heard fireworks go off nearby and a male officer on the scene was "startled" and grabbed his gun. § 87(2)(b) did not see the officer unholster his gun or point it at anyone (**BR 12**).

A loud sound similar to a gunshot can be heard on PO Maragni's body camera at the 8:44 mark (**BR 01**) as well as at similar times on all four other officers' body cameras (**BRs 02 – 05**).

Patrol Guide 203-09 states that officers are not required to offer a right to know business card if "Exigent circumstances require your immediate action" (**BR 20**).

New York City Administrative Code 14-174 "Identification of police officers" further states that officers need not provide a business card if "Exigent circumstances require immediate action" (**BR 21**).

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 25**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party. (**BR 26**).
- This is the second CCRB complaint to which § 87(2)(b) has been a party.
 - § 87(2)(b)
- This is the second CCRB complaint to which § 87(2)(b) has been a party.
 - 200900236 involved allegations of force, abuse of authority, and discourtesy. It was closed as unsubstantiated (**BR 28**).
- PO Maragni has been a member of service for five years and this is her second CCRB complaint in which she is a subject.
 - 201802912 involved allegations of threat of arrest but it was closed as complainant uncooperative.
- PO Pitta has been a member of service for three years and this is his first complaint in which he is a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this case.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

- As of March 6, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed on behalf of § 87(2)(b) and § 87(2)(b) (BR 33).

Squad No.: 10

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|---------------|------------------------|-----------------------------|-----------------|
| Investigator: | <u>Carter Garfield</u> | <u>Inv. Carter Garfield</u> | <u>9/3/2020</u> |
| | Signature | Print Title & Name | Date |

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|---------------|-------------------|----------------------|-----------------|
| Squad Leader: | <u>Eric Rigie</u> | <u>IM Eric Rigie</u> | <u>9/3/2020</u> |
| | Signature | Print Title & Name | Date |

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|-----------|-----------|--------------------|-------|
| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |